



June 17, 2004

Subject: The Land Development Ordinance Committee

The Land Development Ordinance Committee (LDOC) met Thursday, June 17, 2004 in the Council Chamber at City Hall to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, Bill Burgin (Co-chair), George Busby, Graham Carlton, John Casey, Phil Conrad, Steve Fisher, Ronald Fleming, Rodney Queen, Jeff Smith, Bill Wagoner, Victor Wallace, Dee Dee Wright, Diane Young, Craig Lewis (The Lawrence Group) and from the public Diane Dillon Hooper and Lee Wallace.

Staff Present – Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, Harold Poole, Lynn Raker, Patrick Ritchie, John Vest

The meeting was called to order, with Bill Burgin, Co-chair, presiding. The minutes from the June 3 meeting were accepted as written. An advertisement for this meeting appeared in the Salisbury Post Friday and Wednesday prior to the meeting. Glenn Ketner received an invitation to attend the meeting by Joe Morris.

Below is the outline of the public workshop Craig Lewis presented, which covered what the committee had been working on so far.

Salisbury Vision 2020 Implementation Audit – The work of the committee is based on the Vision 2020 plan. Where does Salisbury want to be in 20 years? What will the city look like?

The current ordinance has been amended many times resulting in the following problems.

Current Code Problems

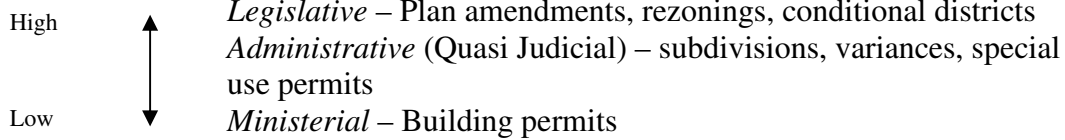
- Inconsistent with the Comprehensive Plan
- Not user-friendly (aging patchwork)
- Inadequate or excessive improvement standards
- Fail to address current growth issues
- Over-emphasize land use segregation
- Lack design standards
- Confusing procedures are adversarial, not facilitative

MODULE 1: ADMINISTRATION

- CH 1: Purpose & Applicability
- CH 16: Agencies, Boards & Commissions
- CH 17: Development Application Process
- CH 18: Development Plan Requirements
- CH 19: Violations & Penalties

Discretionary Authority

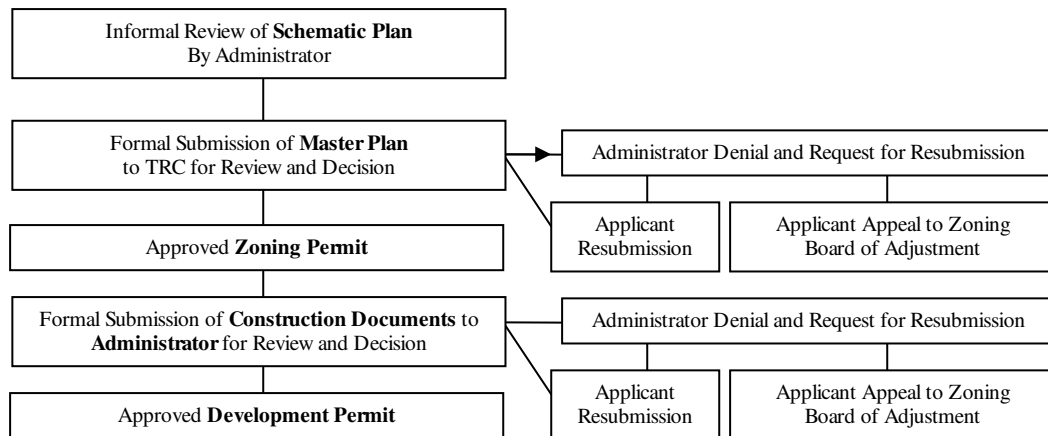
A new process, new format, new appeal procedures



- Design Standards
Streetscape/open space, lot standards/parking, lot landscaping/signage, building setbacks, building design
- New Process
 - Increased Administrative Approvals (Staff, TRC)
 - Fewer Legislative Approvals (Planning Board/City Council)
 - More Predictable Process for Everyone

New Process-New Format

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (18.2) w/ Environmental Survey (18.2)	Administrator	For Non-Binding Review Only	n/ a
Master Plan (18.3) w/ Environmental Survey (18.2)	Technical Review Committee (TRC)	Review for Completeness & Code Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (18.4) w/ Environmental Survey (18.2)	Administrator	Review for Completeness & Code Compliance Development Permit Issued - or- Denial and Request for Resubmission	Zoning Board of Adjustment



CH 1 Purpose & Applicability

- Includes direct references to Vision 2020 Plan with cross-listing of goals

CH 16: Agencies, Boards, and Commissions

- Clarifies membership & roles of all agencies, boards, and commissions in the development process
- Administrator
- Technical Review Committee
- Historic Preservation Commission
- Planning Board
- Zoning Board of Adjustment

Administrative Permits

- Zoning/Sign Permits
 - Current: Staff
 - Proposed: No Change
- Certificates of Appropriateness
 - Current: Staff, Minor Works Committee, HPC
 - Proposed: No Change
- Site Plans
 - Current: Over 10,000 sf processed as a Group Development (City Council)
 - Proposed: TRC & Staff
- Alternate Methods of Compliance

Subdivisions

- Exception Plat
 - Current: Staff
 - Proposed: No Change
- Minor Subdivisions
 - Current: City Council
 - Proposed: TRC
- Major Subdivisions
 - Current: City Council
 - Proposed: TRC

Quasi-Judicial Permits

- Administrative Appeals
 - Current: Zoning Board of Adjustment
 - Current: No Change
- Variances
 - Current: Zoning Board of Adjustment
 - Current: No Change
- Special Use Permits (Called Group Development)
 - Current: City Council
 - Current: Planning Board or City Council

Legislative Permits

- Text Amendments
- Map Amendments
 - Current: City Council
 - Proposed: No Change
- Conditional Districts
 - Current: Not Used
 - Proposed: City Council
- Vested Rights
 - Current: Not Used
 - Proposed: City Council

CH 18: Development Plan Requirements

- Environmental Survey
- Schematic Plan
- Master Plan
- Construction Documents
- Final Plat
- Landscape Plan
- Lighting Plan
- Architectural Drawings
- Traffic Impact Studies

CH 19: Violations & Penalties

- Clarifies Penalties for all violations
- Civil Penalties
- Notice of Violation Proceedings
- Criminal
- Equitable Remedies
- Injunctions
- Abatement Orders
- Stop Work Orders

Project Schedule

- Module 1: Administration
 - Complete
- Module 2: District Provisions
 - Summer / Fall 2004
- Module 3: Design Standards
 - Fall / Winter 2004-05
- Full Draft Review
 - Spring 2005
- Code Adoption
 - Spring / Summer 2005

Following the presentation there was a discussion about the possibility of appeals being taken from a Zoning Board of Adjustment (ZBA) decision to the City Council, rather than to the courts where they normally go. There are questions of whether Council members would like to be a part of that appeal process and whether such routing is legal. It would mean moving a decision that has been made by a quasi-judicial body to a legislative one that is more discretionary in nature.

There will not be a regular LDOC meeting in July due to the anticipation of light attendance during this month. Regular meetings will resume in August when the committee will begin with Chapter 2 (use categories and building types).

dbm